

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

SRSP – Package Works – For payment of Decreetal Amount on O.S. No. 108 of 2007 – Appeal against the judgment in the Hon’ble High Court, Hyderabad - Accorded – Orders – Issued.

IRRIGATION & C.A.D (P.W- MAJ.IRR.VIII.1) DEPARTMENT

G.O.Rt.No. 674

Dated.31.08.2009

Read the following:-

1. Orders dated:01.05.2009 passed by Hon’ble city Civil Court, Hyderabad in O.S. Nos. 106,107 and 108 of 2007 filed by Smt. M .Prathima Reddy and others.
2. From Smt. Prathima Reddy, W/o Late M. Mohan Reddy, representation received through CMO, Lr.No.4227/GEN/2009, dated.22.06.2009.
3. From the Administrator-cum-Chief Engineer, Sriramasagar Project, Hyderabad, Lr. No. Sriramasagar Project.II/DEE2/AE-3/15299/93- 97/2009, dated:24.08.2009.
4. From the Advocate General, Andhra Pradesh., Hyderabad , Letter No. 723of 2009,dated.18.08.2009.

ORDER

In the reference 3rd read above, the Administrator-cum- Chief Engineer, Sriramsagar Project, Hyderabad has submitted that the Hon’ble High Court of judicature of Andhra Pradesh at Hyderabad have issued orders on 18-08-2009 and granted interim stay of all further proceedings pursuant to the Decree and Judgment dated: 01-05-2009 made in O.S. No. 108 of 2007 including E.P. No. 99 of 2009 on the file of Chief Judge, City Civil Court, Hyderabad pending CCCA No. 122 of 2009 on the file of High Court on condition of the Petitioners depositing 50% of the Decreed Amount and cause within a period of 8 weeks, on such deposit, the respondents are entitled to withdraw the same without furnishing any security.

2. Originally the Suit was filed by Sri. M. Mohan Reddy, Engineering Contractor, Hyderabad on the file of Hon’ble Principal Sub-ordinate Judge, Warangal vide O.S. No. 316 of 1994 challenging the final notice issued by the Superintending Engineer, Construction Circle, Huzurabad, vide letter No. TS/T6/876/Vol.IV/11038-41, dated: 28-12-1991 and the subsequent expulsion orders issued by the Superintending Engineer, Construction Circle, Huzurabad, vide letter No. TS/T6/876/Vol.IV/769-73, dated: 07-02-1992, in respect of contract work of Earth work excavation and forming embankment and construction of structures and providing C.C. lining to DBM 31 from Km. 0.000 to Km. 42.800 of Kakatiya Canal of SRSP – World Bank Package No. C5-03.

3. The original Suit i.e., O.S. No. 316 of 1994 on the file of Hon’ble Principal Sub-ordinate Judge, Warangal was transferred to Hon’ble City Civil Court, Hyderabad and renumbered as 106 to 108 of 2007, as per the orders of the Hon’ble High Court of A.P., vide its Judgment dated: 09-10-2006 in Tr. CMP Nos. 329 to 331 of 2006 filed by Smt. M. Pratima Reddy and others, legal heirs of Late Sri. M. Mohan Reddy.

4. The Hon’ble Chief Judge, City Civil Court has delivered Judgment on 01-05-2009 in O.S. No. 108 of 2007, vide order dated:08.07.2009 and directed the respondents to pay the Plaintiff a sum of (i) Rs. 4,07,05,823/- with interest @ 12% per Annum on the said

amount from the date of filing of the Suit till the date of realization towards Claim Nos. 1, 2, 3, 4, 5, 8, 9, 11, 13 and 14 and the suit is dismissed with regard to Claim Nos. 6, 7, 10 and 12 (ii) Rs. 19,51,898/- towards the cost of the Suit.

5. A petition under section 151 of CPC and an affidavit was filed vide CCCA No. 122 of 2009 by the Advocate General on behalf of the respondents (Department) on the file of Hon'ble High Court of A.P., at Hyderabad on 17-04-2009 praying the Hon'ble High Court to grant stay of all further proceedings pursuant to the Judgment dated: 01-05-2009 made in O.S. No. 108 of 2007 including EP No. 99 of 2009 on the file of Chief Judge City Civil Court, Hyderabad pending CCCA No. 122 of 2009 on the file of Hon'ble High Court of A.P, Hyderabad.

6. Smt. M. Pratima Reddy W/o of Late Sri. M. Mohan Reddy, Engineering Contractor, Hyderabad has submitted a representation dated 12-06-2009 to the Hon'ble Chief Minister, Government of Andhra Pradesh with a request to consider the matter sympathetically and on humanitarian grounds for the reasons explained and to arrange the payment of Decretal Amount at the earliest in respect of the works undertaken by her husband under SRSP without preferring the Appeal suit and the Chief Minister's Office, dated:29.06.2009 issued instructions to examine the issue and circulate the file for the orders of the Hon'ble Chief Minister. Government in letter dated:17.07.2009 requested the Advocate General, Hon'ble High Court of A.P., to "examine the above judgment in detail and to tender considered opinion as to the prospects for preferring CMAs in the Hon'ble High Court in these cases and probability of orders going in favour of Government based on the circumstances and available documentary evidence in a reasonable time frame." The office of the Advocate General, Andhra Pradesh has given opinion vide letter 4th read saying that the learned judges after hearing the arguments of both the counsel, granted interim stay on condition of depositing of 50% of the decretal amount along with suit cost within 8 weeks from today. The Hon'ble Court permitted the respondent/contractor to withdraw the same on such deposit the entire cost and 50% of the deposited amounts without furnishing any security. It is therefore requested to comply with the order within the time stipulated and intimate the same this office.

7. The Administrator-cum-Chief Engineer, Sriramsagar Project, Hyderabad has further informed that the Dereetal amount with interest at 12% per Annum from the date of filing of the Suit i.e., 28-10-1994 till the date of realization i.e., 27-08-2009 (probable date) is worked out as follows:

| | |
|--|--------------------------------|
| 1. a) Amount for accepted claims as per Judgment | Rs.4,07,05,823/- |
| b) Amount towards Interest @ 12% on | Rs. 7,24,56,365 |
| Rs.4,07,05,823/- from 28-10-1994 to 27-08-2009 | |
| 14 years 10 months = 4,07,05,823 X 12% X (14 +10/12) | |
| 2. Amount towards cost of Suit | <u>Rs. 19,51,898</u> |
| Total Amount | <u>Rs. 11,51,14,086</u> |

8. The 50% of Decreetal Amount will be Rs. 5,75,57,043/- (Rupees Five Crores Seventy Five Lakh Fifty Seven Thousand and Forty Three only)

9. The Administrator –cum- Chief Engineer, Sriramsagar Project, Hyderabad has requested to Government to issue necessary orders for payment of 50% of Decreetal Amount Rs. 5,75,57,043/- (Rupees Five Crores Seventy Five Lakh Fifty Seven Thousand and Forty Three only).

10. Government after careful examination of the proposal of the Administrator-cum-Chief Engineer, Sriramsagar Project, Hyderabad hereby accord sanction for payment of 50% of Decreetal amount including interest and suit cost Rs. 5,75,57,043/- (Rupees Five Crores Seventy Five Lakh Fifty Seven Thousand and Forty Three only).

11. The above expenditure is chargeable to the following Head of Account:

2701 – M & M.I., 01 – Major Irrigation, 116 – Sriramasagar
Project, 11 – Normal state Plan, 27 – Canals & Distribution,
530 – Major works, 531 – Other expenditure (Charged)

12. The Administrator –cum- Chief Engineer, Sriramsagar Project, Hyderabad shall take necessary further action in the matter.

13. This order issues with the concurrence of Finance (W&P) Department vide their U.O.No.3426/F4(2)/09-1, dated:27.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To

The Administrator –cum- Chief Engineer, Sriramsagar Project, Hyderabad
The Superintending Engineer, Sriramasagar Project, Construction Circle,
Huzurabad, Karimnagar District.

The Accountant General of Andhra Pradesh, Hyderabad

The Pay and Accounts Officer, Andhra Pradesh, Hyderabad.

Copy to:

The Finance (W&P) Dept.,

The Hon'ble M (M&MI)

//FORWARDED::BY ORDER//

SECTION OFFICER